

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

February 17, 2009

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 18, 2009**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Acting Senator Sagness, absent and formally excused by the Chair; and Senators Coiner, Lodge, McKenzie, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Erica Bailiff, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 17, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Lodge and Stegner were recorded present at this order of business.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Coiner was recorded present at this order of business.

February 17, 2009

The EDUCATION Committee reports out [S 1079](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1079](#) was filed for second reading.

The TRANSPORTATION Committee reports out [S 1054](#) and [S 1097](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1054](#) and [S 1097](#) were filed for second reading.

February 17, 2009

The HEALTH AND WELFARE Committee reports out [S 1076](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1076](#) was filed for second reading.

February 17, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1091](#) with the recommendation that it do pass.

HILL, Chairman

[S 1091](#) was filed for second reading.

February 18, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 1](#) with the recommendation that it do pass.

ANDREASON, Chairman

[H 1](#) was filed for second reading.

February 18, 2009

The STATE AFFAIRS Committee reports out [HCR 10](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[HCR 10](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2009

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Richard D. Westerberg to the State Board of Education, term to expire March 1, 2014.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Linda Pike to the State Board of Tax Appeals, term to expire June 30, 2011.

HILL, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 18, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Terry Gestrin to the State Insurance Fund Board, term to expire April 30, 2012.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 17, 2009

Dear Mr. President:

I transmit herewith [HJM 2](#), [H 85](#), [H 86](#), [HCR 17](#), and [HCR 13](#), which have passed the House.

ALEXANDER, Chief Clerk

[HJM 2](#), [H 85](#), [H 86](#), [HCR 17](#), and [HCR 13](#) were filed for first reading.

February 18, 2009

Dear Mr. President:

I return herewith [S 1009](#), which has passed the House.

ALEXANDER, Chief Clerk

[S 1009](#) was referred to the Judiciary and Rules Committee for enrolling.

February 17, 2009

Dear Mr. President:

I return herewith Enrolled [SCR 102](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 102](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

Senator McKenzie was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

President Little acknowledged the presence of former Senator John Sandy and former First Lady of Idaho Vicki Risch and welcomed them to the Chamber at this time.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Keough, Chairman, and Senators Jorgenson and Kelly to escort the Honorable Jim Risch, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Senator Risch for his remarks and Senators Keough, Jorgenson, and Kelly escorted him from the Chamber, and the Committee was discharged.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1119

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC UTILITY REGULATION; AMENDING SECTION 61-315, IDAHO CODE, TO PROVIDE FOR LOW-INCOME BILL PAYMENT ASSISTANCE AND OTHER PROGRAMS TO PUBLIC UTILITY CUSTOMERS UNDER CERTAIN CONDITIONS.

S 1120

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION, SCHOOL DISTRICTS AND PUBLIC SCHOOL BUILDINGS; TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-356, IDAHO CODE, TO PROVIDE FOR SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY, TO PROVIDE THAT SCHOOL DISTRICTS MAY SEEK TO QUALIFY FOR REDUCTIONS IN BUILDING REPLACEMENT VALUE CALCULATIONS FOR CERTAIN BUILDINGS, TO PROVIDE FOR THE USE OF INTEGRATED DESIGN PRACTICES AND FUNDAMENTAL COMMISSIONING IN THE DESIGN AND CONSTRUCTION OF CERTAIN BUILDINGS, TO PROVIDE

FOR AN OPTIMIZATION REVIEW OF QUALIFYING BUILDINGS, TO PROVIDE DEFINITIONS, TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY TO PROVIDE CERTAIN ASSISTANCE, TO COMPILE AND MAKE AVAILABLE A LIST OF CERTAIN COMMISSIONING AGENTS AND TO ENSURE THAT SUCH AGENTS ARE CERTIFIED, TO PROVIDE FOR RULES, TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO PROVIDE CERTAIN TRAINING AND ADVICE TO SCHOOL DISTRICTS AND TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY TO PROVIDE CERTAIN CERTIFICATIONS TO THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-1019, IDAHO CODE, TO EXEMPT CERTAIN SQUARE FOOTAGE OF CERTAIN PUBLIC SCHOOL BUILDINGS FROM REPLACEMENT VALUE CALCULATION, TO PROVIDE THAT THE AMOUNT OF RELIEF PROVIDED TO ANY SCHOOL DISTRICT SHALL NOT EXCEED THE AMOUNT PROVIDED PURSUANT TO A CERTAIN VALUE INDEX, TO PROVIDE PROVISIONS RELATING TO FORGIVENESS OF CERTAIN REQUIREMENTS; TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND TO PROVIDE FOR A REPORT.

S 1119 and S 1120 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 2, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 85 and H 86, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

HCR 17, by Transportation and Defense Committee, was introduced, read at length, and referred to the Transportation Committee.

HCR 13, by Resources and Conservation Committee, was introduced, read at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Gubernatorial Appointment of Dwight Horsch retained its place on the 10th Order Calendar for Tuesday, February 24, 2009.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Joan M. Cloonan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hammond, seconded by Senator LeFavour, the Gubernatorial appointment of Joan M. Cloonan as a member of the Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial

appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Carol Mascarenas was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Kelly, the Gubernatorial appointment of Carol Mascarenas as a member of the Board of Environmental Quality was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Education Committee report relative to the Gubernatorial appointment of Kenneth Edmunds was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Bilyeu, the Gubernatorial appointment of Kenneth Edmunds as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service.

LINCOLN DAY SERVICE

The Lincoln Day Program was presented to the members of the Senate with Co-chairman, Senator Melinda Smyser, providing Opening Remarks. The Prayer was offered by Reverend Dr. Mark E. Cox, Pastor, Sterry Memorial Presbyterian Church, Roswell, and the Pledge of Allegiance was led by Reese Bautista, 5th grade student at Lincoln Elementary School, Caldwell.

Former Lt. Governor David Leroy, Chairman of the U. S. Abraham Lincoln Bicentennial Commission provided comments remembering President Lincoln. A fictional recitation of "Remarks by Governor William H. Wallace" as given to the Council (Senate) of the Third Territorial Legislature in Boise City, December 4, 1865, was also provided by David Leroy. The Middleton High School Madrigals, under the direction of Dan Childs, performed "A Tribute to Lincoln."

Concluding remarks were provided by Co-chairman, Senator Chuck Winder, and the Lincoln Day service was dissolved.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 10:30 a.m., Thursday, February 19, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary